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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,057

06/14/2006

Esa-Sakari Maatta

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EXAMINER

OBAYANJU, OMONIYI

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,057	Applicant(s) MAATTA ET AL.	
	Examiner OMONIYI A. OBAYANJU	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/14/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/14/2008 have been fully considered but they are not persuasive.

Applicant argues that "The idea is not to produce the whole mobile phone, just the base part to which the cover part is later connected traditionally". Applicant further argues that "The outcomes of these two processes are different. In US 5,541,813 the outcome is a foldable mobile phone which is operable after turning the display part open and in present invention the outcome is a new kind of a base part that could hold between two hard parts several components. The operating of the mobile phone does not include the use of the soft middle part. When the two hard parts are connected together they are opened again only when the mobile phone needs some maintenance to the components integrated between these two parts".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the idea is not to produce the whole mobile phone, just the base part to which the cover part is later connected traditionally) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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In response, examiner respectfully disagrees with applicant's argument. Satoh et al in (fig. 1) teaches a base part for a mobile phone (fig. 1, #4), wherein the base part is integrated of a hard body part (abstract, lines 7-8), a phone window (fig. 1, #5), and a soft middle part (abstract, lines 6-7), which is connecting the mentioned parts and wherein the phone window is foldable against the hard body part along a hinge line created in the soft middle part (abstract, lines 5-7).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-10, are rejected under 35 U.S.C. 102(b) as being anticipated by Satoh et al (US Patent No. 5541813).

As to **claim 1, 3, and 9**, Satoh teaches a base part for mobile phone (abs, and fig 1. #4) characterized in that the wherein a base part is integrated of a hard body part (abs lines 7-8), a phone window (fig 1. #5) and a soft middle part (abs line 6-7), which is connecting the mentioned parts and wherein the phone window is foldable against the hard body part along a hinge line created in the soft middle part (abs. lines 5-7).

As to **claim 6, 7, and 8**, Satoh teaches a method of manufacturing a base part for a mobile phone by injection molding, characterized in that wherein the method

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includes the following two comprising (column 2, lines 35-45):

- a) performing a first stage of injection molding with a first injection mold producing a phone window and a hard body part hard plastic (column 2, lines 55-57).
- b) performing a second stage of injection molding with a soft elastomer producing a soft middle part which has a hinge line to fold up the phone window against the hard body part (column 2, lines 57-60).

As to **claims 2, 4, and 10**, Satoh teaches a base part (fig 1. referred to as the operation portion) are integrated one or more of the following parts, a display light guide (fig1. #5), a keypad light guide, a keypad, a keypad graphics, a keypad contacting surface, (fig 1. #4) a display holder, a display connector holder, an earpiece holder, a buzzer holder, a display gasket, an earpiece gasket, a buzzer gasket.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al (US Patent No. 5541813) in view of Stephenson (US Patent No. 6026283).

As to **claim 5**, Satoh teaches the limitations of claim 3 as discussed above, but Satoh fails to teaches the mobile phone are also connected a upper

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cover and a back cover containing an engine of the phone including a battery.

However, Stephenson teaches a mobile phone with a top portion (fig. 2, #14) and a bottom housing portion (fig. 2, #16) which houses an engine of the phone and the battery. Thus, it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the prior art of teaching of Satoh with the teachings of Stephenson to efficiently enclose a mobile communication device in order to protect the internal components of the device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMONIYI A. OBAYANJU whose telephone

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number is (571)270-5885. The examiner can normally be reached on Mon - Fri, 7:30 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. A. O./
Examiner, Art Unit 2617

/VINCENT P. HARPER/
Supervisory Patent
Examiner, Art Unit 2617